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10/606,037	06/25/2003	Geoffrey John Elliott	MS1-1476US	3952

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EXAMINER
AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
04/30/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/606,037	ELLIOTT ET AL.
	Examiner	Art Unit	
	NICHOLAS AUGUSTINE	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>15 January 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-29,41,45-51 and 54-56</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-29,41-41,45-51 and 54-56</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.　　This action is in response to the following communications: Request for

Continued Examination filed 01/15/2008.

2.　　Claims 1-29, 31-41, 45-51 and 54-56 remains pending. Claims 30, 42-44 and 52-

53 are cancelled.

Continued Examination Under 37 CFR 1.114

3.　　A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

01/15/2008 has been entered.

Claim Rejections - 35 USC § 103

4.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

2. Claims 1-9,12-18,20,21,23-24,36-37,41-46 and 50-56 are rejected under 35

U.S.C. 102(e) as being anticipated by Blaze Software (Blaze Tray Audio)

http://web.archive.org/web/20020202140332/www.trayaudio.com/index.html, in

view of Srinivasan et al (US 6,357,042), herein referred to as "Srinivasan".

- *The Examiner encourages the applicant to run the program of Blaze Tray*

  Audio for purposes of better understanding the software. Free trial software

  can be found at

  http://web.archive.org/web/20010813165611/www.trayaudio.com/trayaudio

As for independent claim 1, Blaze teaches a user interface comprising: a graphical interface that enables a user to select media-playing services (pg.2 par.2), wherein the graphical interface is integrated into an operating system shell's user interface and includes multiple controls for selection of the media-playing services (pg.2 par.4 and pg.3; wherein when the user selects the graphical portion of Blaze audio playing interface multiple controls are rendered to the display). Blaze does not specifically teach that multiple controls are displayed at once on the taskbar, however in the same field of endeavor Srinivasan does teach media controls, more than one, being displayed on the taskbar (col.24, lines 15-22). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Srinivasan into Blaze, this is true because displaying more than one control at a time yields the predictable result with in reason by someone of ordinary skill in the art would expect to see more than one control displayed at one time on a taskbar, also Srinivasan and Blaze both teach displaying a media control in a taskbar, adding more than one control is an obvious variant. Note that on figure 14 of Srinivasan, the Windows Explorer shell is depicted (http://en.wikipedia.org/wiki/Windows_Explorer).

As for dependent claim 2, Blaze teaches the user interface of claim 1, wherein the graphical interface further enables the user to select media-playing services with a single click of a mouse (pg.2).

As for dependent claim 3, Blaze teaches the user interface of claim 1, wherein the

graphical interface further enables the user to select media-playing services with a single click of a mouse when another application running in another process is in perspective (pg.2 as illustrated in the flash presentation on the site one user click to activate a playing function is shown).

As for dependent claim 4, Blaze teaches the user interface of claim 3, wherein the perspective includes the other application being in focus (pg.3; wherein the player is in the system tray out of perspective).

As for dependent claim 5, Blaze teaches the user interface of claim 1, wherein the graphical interface further enables the user to select media-playing services without altering a perspective of another application running in another process (note claim 4)

As for dependent claim 6, Blaze teaches the user interface of claim 1, wherein the controls include buttons for selection of the media-playing services (pg. 2, par.4; figures on page 2).

As for dependent claim 7, Blaze teaches the user interface of claim 1, wherein the controls enable selection of the media-playing services including services that stop and pause a first media file being played and start a second media file (note claim 6).

As for dependent claim 8, Blaze teaches the user interface of claim 1, wherein the

controls include button for selection of the media-playing services including a service

that alters a size for a presenting of a visual aspect of a media file (pg.2; "progress").

As for dependent claim 9, Blaze teaches the user interface of claim 1, wherein the

controls include a control button for selection of the media-playing services including a

service that alters a volume for a playback of an audio aspect of a media file (pg.2).

As for dependent claim 12, Blaze teaches the user interface of claim 1, further

comprising: a visual space for presenting metadata associated with a media file (pg.2

"02:30").

As for dependent claim 13, Blaze teaches the user interface of claim 1, further

comprising: a visual space for presenting metadata associated with a media file,

wherein the graphical interface enables the user to select media-playing services to

present metadata associated with the media file (pg.2 & 8, showing a display of

metadata with associated media files).

As for independent claim 14, Blaze teaches a system comprising: a media-playing

application in computer memory executing in a shell process of an operating system

(pg.2), wherein the media-playing application is capable of enabling a user to control

media through a user interface having multiple controls and integrated into a taskbar

associated with the shell process the controls comprising at least one of a play control,

a pause control, a stop control, a previous control, a next track control, a volume

control, a mute control, a metadata control, a visual space control, a switch control, and

a library control (pg.2-3; wherein one and more controls are rendered to the display

under the operating system shell (to confirm to a standard window rendering) of controls

for Blaze). Blaze does not specifically teach that multiple controls are displayed at once

on the taskbar, however in the same field of endeavor Srinivasan does teach media

controls, more than one, being displayed on the taskbar (col.24, lines 15-22). It would

have been obvious to one of ordinary skill in the art at the time of the invention to

combine Srinivasan into Blaze, this is true because displaying more than one control at

a time yields the predictable result with in reason by someone of ordinary skill in the art

would expect to see more than one control displayed at one time on a taskbar, also

Srinivasan and Blaze both teach displaying a media control in a taskbar, adding more

than one control is an obvious variant. Note that on figure 14 of Srinivasan, the

Windows Explorer shell is depicted (http://en.wikipedia.org/wiki/Windows_Explorer).

As for dependent claim 15, Blaze teaches the system of claim 14, wherein preferences

for displaying the user interface in the taskbar are retained by the media-playing

application for future use (of course those skilled in the art would appreciate that when

the application closes and reopens its last status of position and preferences will be

retained such much of the startup of the program in (pg.2; figure) wherein the user is

presented with the application as they closed it).

As for dependent claim 16, Blaze teaches the system of claim 14, wherein the media-playing application is capable of receiving preferences for how the user interface is displayed and used that are received from the user through another application executing in the shell process (pg.5).

As for dependent claim 17, Blaze teaches the system of claim 14, further comprising a player deskband, wherein the player deskband is capable of receiving preferences relating to the user interface and sending the preferences to the media-playing application (of course those skilled in the art will appreciate that the above mentioned program from Blaze uses a program module to communicate to the operating system in order to display itself within the operating shell (pg.2, 7-9) depicts the program running on a computer system , wherein the program is communicating with the operating system).

As for dependent claim 18, Blaze teaches the system of claim 14, wherein the media-playing application comprises a deskband and a controller, the deskband configured to communicate with the shell process and the operating system, the controller configured to enable the user to control media through the user interface (of course those skilled in the art will appreciated that Blaze uses a module to communicate to the operating system and the operating shell process, as noted before, the display of pg.2,7,9 provide evidence of such an action, also wherein the operating system handler/ listener is providing a means of a controller to listen for user interaction with the program to

provide user control of media files as is what's imposed on the program (i.e. controller).

As for dependent claim 20, Blaze teaches the system of claim 14, wherein the media-playing application is capable of creating the user interface to have a minimum visual size on the taskbar (pg.2-3).

As for dependent claim 21, Blaze teaches the system of claim 14, wherein the media-playing application is capable of creating the user interface following a skin file containing text, art, and script parameters (pg.5)

As for dependent claim 23, Blaze teaches the system of claim 14, wherein the media-playing application is capable of presenting audio media (pg.7).

As for dependent claim 24, Blaze teaches the system of claim 14, wherein the media-playing application is capable of presenting metadata associated with a media file being presented by the media-playing application (note the analysis of claim 23).

As for independent claim 35, Blaze teaches a method comprising: presenting a graphical user interface having multiple controls and integrated into a taskbar user interface (pg.2-3); and enabling, without the graphical user interface being in perspective (pg.2), a user to select media-playing services through the multiple controls

of the graphical user interface (pg.7-8; wherein the user may select one of the *controls*

displayed). Blaze does not specifically teach that multiple controls are displayed at once

on the taskbar, however in the same field of endeavor Srinivasan does teach media

controls, more than one, being displayed on the taskbar (col.24, lines 15-22). It would

have been obvious to one of ordinary skill in the art at the time of the invention to

combine Srinivasan into Blaze, this is true because displaying more than one control at

a time yields the predictable result with in reason by someone of ordinary skill in the art

would expect to see more than one control displayed at one time on a taskbar, also

Srinivasan and Blaze both teach displaying a media control in a taskbar, adding more

than one control is an obvious variant. Note that on figure 14 of Srinivasan, the

Windows Explorer shell is depicted (http://en.wikipedia.org/wiki/Windows_Explorer).

As for dependent claim 36, Blaze the method of claim 35, wherein the enabling is

performed also without the graphical user interface being in focus (pg.2-3).

As for dependent claim 37, Blaze the method of claim 35, further comprising: presenting

a media file in accord with the selected media-playing services (pg.7-8).

As for independent claim 41, Blaze teaches a computer-readable medium (pg.1; of

course those skilled in the art will appreciate that the download link from the

corresponding page indicates that the program is to downloaded and comes in the form

that of an installation.exe format wherein is stored on hard disk and can be stored on

other suggested mediums as disclosed) comprising computer-executable instructions

that perform the following when executed by a computer: present a media-control user

interface having multiple controls in a first process for controlling services associated

with playing media; and enable a user that is actively engaged with a non-media-control

user interface in a second process to interact with the media-control user interface

through selection of one or more of the multiple controls without disengaging from the

non-media-control user interface (pg.2-3,7-9). Blaze does not specifically teach that

multiple controls are displayed at once on the taskbar, however in the same field of

endeavor Srinivasan does teach media controls, more than one, being displayed on the

taskbar (col.24, lines 15-22). It would have been obvious to one of ordinary skill in the

art at the time of the invention to combine Srinivasan into Blaze, this is true because

displaying more than one control at a time yields the predictable result with in reason by

someone of ordinary skill in the art would expect to see more than one control displayed

at one time on a taskbar, also Srinivasan and Blaze both teach displaying a media

control in a taskbar, adding more than one control is an obvious variant. Note that on

figure 14 of Srinivasan, the Windows Explorer shell is depicted

(http://en.wikipedia.org/wiki/Windows_Explorer).

As for dependent claim 45, Blaze the computer-readable medium of claim 41, wherein

the interaction with the media-control user interface includes a single keystroke (pg.2:

as demonstrated in the flash presentation and pg.10).

As for dependent claim 46, Blaze the computer-readable medium of claim 41, further

comprising: provide media-playing services based on the interaction (pg.9-10).

As for independent claim 50, Blaze teaches a computer-readable medium comprising

computer-executable instructions (note claim 41) that perform the following when

executed by a computer: create a first user interface with graphically selectable media-

control services and running in a first process; and enable selection of the media-control

services while a second user interface running in a second process remains in

perspective (pg.1-2; wherein the operating system renders the player to the screen and

the system listens for input from the user to interact with the player). Blaze does not

specifically teach that multiple controls are displayed at once on the taskbar, however in

the same field of endeavor Srinivasan does teach media controls, more than one, being

displayed on the taskbar (col.24, lines 15-22). It would have been obvious to one of

ordinary skill in the art at the time of the invention to combine Srinivasan into Blaze, this

is true because displaying more than one control at a time yields the predictable result

with in reason by someone of ordinary skill in the art would expect to see more than one

control displayed at one time on a taskbar, also Srinivasan and Blaze both teach

displaying a media control in a taskbar, adding more than one control is an obvious

variant. Note that on figure 14 of Srinivasan, the Windows Explorer shell is depicted

(http://en.wikipedia.org/wiki/Windows_Explorer).

As for dependent claim 51, Blaze the computer-readable medium of claim 50, wherein

the media-control services include initiating and ceasing play of a media file (pg.7-8).

As for dependent claim 52, Blaze the computer-readable medium of claim 50, wherein the selection of one or more of the media-control services is enabled with a single mouse click (pg.2: as demonstrated in the flash presentation and pg.10).

As for dependent claim 53, Blaze the computer-readable medium of claim 50, wherein the first user interface is integrated into an operating system's taskbar (pg.2: as demonstrated in the flash presentation and pg.7).

As for dependent claim 54, Blaze the computer-readable medium of claim 50, wherein the first process is used by an operating system for executing a taskbar (fig.2-3, 8; wherein it is appreciated of the executable program that handles the operating system graphical user interface, i.e. explorer).

As for independent claim 55, Blaze teaches an apparatus comprising: means for presenting a user interface having multiple controls in a first process for controlling services associated with playing media; and means for enabling a user interacting with a second process to interact with the user interface through the multiple controls and without ceasing to interact with the second process (wherein the operating system renders the player to the screen and the system listens for input from the user to interact with the player; note the analysis of claims 50,41,35,25,14 and 1). Blaze does

not specifically teach that multiple controls are displayed at once on the taskbar,

however in the same field of endeavor Srinivasan does teach media controls, more than

one, being displayed on the taskbar (col.24, lines 15-22). It would have been obvious to

one of ordinary skill in the art at the time of the invention to combine Srinivasan into

Blaze, this is true because displaying more than one control at a time yields the

predictable result with in reason by someone of ordinary skill in the art would expect to

see more than one control displayed at one time on a taskbar, also Srinivasan and

Blaze both teach displaying a media control in a taskbar, adding more than one control

is an obvious variant. Note that on figure 14 of Srinivasan, the Windows Explorer shell is

depicted (http://en.wikipedia.org/wiki/Windows_Explorer).

As for dependent claim 56, Blaze the apparatus of claim 55, further comprising: means

for playing a media file based on preferences received from the user during the

interaction with the user interface, the interaction including selection of two or more of

the multiple controls (pg.2-3 and 8).

3.   **Claims 1, 25, 41 and 55 are rejected under 35 U.S.C. 102(e) as being**

unpatentable over Mann et al. (2004/0212640), herein referred to as Mann in view

of in view of Srinivasan et al (US 6,357,042), herein referred to as "Srinivasan".

As for independent claim 1, Mann teaches a user interface comprising: a graphical

interface that enables a user to select media-playing services, wherein the graphical

interface is integrated into an operating system shell's user interface and includes

multiple controls for selection of the media-playing services (par.16, 73 and figure 4, 6D,

8A, 10A-B and 11B-C).

As for independent claim 25, Mann teaches a system comprising: a controller; a

playback module; a visual space; and a user interface, wherein: the controller is capable

of creating the user interface; the user interface is integrated within an operating-system

shell's user interface and is capable of enabling a user to input preferences for play of a

media file; and the playback module is capable of rendering the media file to enable the

controller to present the media file in the visual space and with the visual space

remaining visible over all other windows on a screen in which the user interface and

operating-system shell's user interface is presented (par.16, 73 and figure 4, 6D, 8A,

10A-B and 11B-C). Mann does not specifically teach the exact location of the media

controls to be on the taskbar, however in the same field of endeavor Srinivasan does

teach media controls, more than one, being displayed on the taskbar (col.24, lines 15-

22). It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine Srinivasan into Mann, this is true because displaying more than

one control at a time in an adjacent location yields the predictable result with in reason

by someone of ordinary skill in the art would expect to see more than one control

displayed at one time on a taskbar, also Srinivasan and Mann both teach displaying a

media control in a taskbar, changing the location is an obvious variant. Note that on

figure 14 of Srinivasan, the Windows Explorer shell is depicted

(http://en.wikipedia.org/wiki/Windows_Explorer).

As for independent claim 41, Mann teaches a computer-readable medium (pg.1; of

course those skilled in the art will appreciate that the download link from the

corresponding page indicates that the program is to downloaded and comes in the form

that of an installation.exe format wherein is stored on hard disk and can be stored on

other suggested mediums as disclosed) comprising computer-executable instructions

that perform the following when executed by a computer: present a media-control user

interface having multiple controls in a first process for controlling services associated

with playing media; and enable a user that is actively engaged with a non-media-control

user interface in a second process to interact with the media-control user interface

through selection of one or more of the multiple controls without disengaging from the

non-media-control user interface (par.16, 73 and figure 4, 6D, 8A, 10A-B and 11B-C).

Mann does not specifically teach the exact location of the media controls to be on the

taskbar, however in the same field of endeavor Srinivasan does teach media controls,

more than one, being displayed on the taskbar (col.24, lines 15-22). It would have been

obvious to one of ordinary skill in the art at the time of the invention to combine

Srinivasan into Mann, this is true because displaying more than one control at a time in

an adjacent location yields the predictable result with in reason by someone of ordinary

skill in the art would expect to see more than one control displayed at one time on a

taskbar, also Srinivasan and Mann both teach displaying a media control in a taskbar,

changing the location is an obvious variant. Note that on figure 14 of Srinivasan, the

Windows Explorer shell is depicted (http://en.wikipedia.org/wiki/Windows_Explorer).

As for independent claim 55, Mann teaches an apparatus comprising: means for

presenting a user interface having multiple controls in a first process for controlling

services associated with playing media; and means for enabling a user interacting with

a second process to interact with the user interface through the multiple controls and

without ceasing to interact with the second process (par.16, 73 and figure 4, 6D, 8A,

10A-B and 11B-C). Mann does not specifically teach the exact location of the media

controls to be on the taskbar, however in the same field of endeavor Srinivasan does

teach media controls, more than one, being displayed on the taskbar (col.24, lines 15-

22). It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine Srinivasan into Mann, this is true because displaying more than

one control at a time in an adjacent location yields the predictable result with in reason

by someone of ordinary skill in the art would expect to see more than one control

displayed at one time on a taskbar, also Srinivasan and Mann both teach displaying a

media control in a taskbar, changing the location is an obvious variant. Note that on

figure 14 of Srinivasan, the Windows Explorer shell is depicted

(http://en.wikipedia.org/wiki/Windows_Explorer).

6.   Claims 10,11,19,22,25-35,38-40,47-49 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Blaze in view of in view of Srinivasan et al (US

6,357,042), herein referred to as "Srinivasan" in further view of GustoSoft

(http://web.archive.org/web/20021130001235/http://gustosoft.com/).

As for claims 10, 11, 19, 22, 28, 38-40, 47-49, Blaze in view of Srinivasan

teaches a media player for playing music wherein the media player is inside of the

system shell (note the above analysis). Blaze does not expressly mention the use of the

media player playing visual media however in the same field of endeavor GustoSoft

teaches a multimedia player which is embedded in the system tray that plays music and

videos (visual media) (pg.1-4). It would be obvious to one of ordinary skill in the art to

combine GustoSoft into Blaze, this is true because GustoSoft presents a media player

embedded into the system shell exactly like Blaze but only differing by adding visual

media onto of the audio media presented by Blaze (page 1 of GustoSoft) those skilled in

the art would see the extract function as an obvious variant for the desktop home

entertainment genre in technology.

As for independent claim 25, Blaze in view of Srinivasan teaches a system

comprising: a controller; a playback module; a visual space; and a user interface,

wherein: the controller is capable of creating the user interface; the user interface is

integrated within an operating-system shell's user interface and is capable of enabling a

user to input preferences for play of a media file; and the playback module is capable of

rendering the media file to enable the controller to present the media file in the visual

space and with the visual space remaining visible over all other windows on a screen in

which the user interface and operating-system shell's user interface is presented (pg 8)
(Note the analysis of claims 8,11, 16,18 and 19; wherein it is appreciated that the above
already analyzed claims are within the exact same similarity and it is well appreciated
that the teachings of Blaze correspond to a program which in turn is related to a system,
wherein this system performs the above mentioned subject matter as noted from the
above analysis already). Blaze does not expressly mention the use of the media player
playing visual media and displaying player always on top of all other windows however
in the same field of endeavor GustoSoft teaches a multimedia player which is
embedded in the system tray that plays music and videos and displaying the player on
top always (visual media) (pg.1-4). It would be obvious to one of ordinary skill in the art
to combine GustoSoft into Blaze, this is true because GustoSoft presents a media
player embedded into the system shell exactly like Blaze but only differing by adding
visual media onto of the audio media presented by Blaze (page 1 of GustoSoft) those
skilled in the art would see the extract function as an obvious variant for the desktop
home entertainment genre in technology.

As for dependent claim 26, Blaze in view of Srinivasan teaches the system of claim 25,
further comprising a deskband, wherein the deskband is capable of aiding the controller
in determining parameters for the user interface to conform by communicating with an
operating system that governs the operating-system shell's user interface (note the
analysis of claims 17-18).

As for dependent claim 27, Blaze in view of Srinivasan teaches the system of claim 25, further comprising a deskband, wherein the deskband is capable of building a file containing parameters for the user interface to conform to an operating-system shell governing the operating-system shell's user interface (note the analysis of claims 17-18).

As for dependent claim 29, Blaze in view of Srinivasan teaches the system of claim 25, wherein the user interface includes media-playing services that stop, play, pause, skip forward or backward through, and change to a next or previous track of the media file (pg.8).

As for dependent claim 30, Blaze teaches in view of Srinivasan the system of claim 25, wherein the user interface includes media-playing services that stop, play, and pause the media file (pg.7-8)

As for dependent claim 31, Blaze in view of Srinivasan teaches the system of claim 25, wherein the user interface is capable of enabling the user to input preferences through dragging and dropping an icon representing a media file onto the visual space or the user interface (pg.7).

As for dependent claim 32, Blaze in view of Srinivasan teaches the system of claim 25,

wherein the user interface and the playback module execute in different processes

(pg.7; of course, those skilled in the art will appreciate that explorer.exe or the like runs

the operating system graphical user interface while the trayplayer.exe handles the

media player program at hand).

As for dependent claim 33, Blaze teaches in view of Srinivasan the system of claim 25,

wherein the user interface and the playback module execute in one process (note claim

32 analysis; wherein of course, those skilled in the art will appreciate that one process

can render the interface as well as listen for incoming request from the user).

As for dependent claim 34, Blaze in view of Srinivasan teaches the system of claim 25,

wherein the user interface executes in a first process governing the operating system

shell's user interface, the playback module executes in a second process, and the user

interface includes a button to select a service that switches presentation of media from

the visual space to a second visual space created by an application running in the

second process (note the analysis of claims 33, 32 and 25 above).

7.   Claims 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Mann et al. (2004/0212640), herein referred to as Mann in view of Srinivasan

et al (US 6,357,042), herein referred to as "Srinivasan".

As for independent claim 14, Mann teaches a system comprising: a media-playing

application in computer memory executing in a shell process of an operating system

(pg.2), wherein the media-playing application is capable of enabling a user to control

media through a user interface having multiple controls and integrated into a taskbar

associated with the shell process the controls comprising at least one of a play control,

a pause control, a stop control, a previous control, a next track control, a volume

control, a mute control, a metadata control, a visual space control, a switch control, and

a library control (par.16, 73 and figure 4,6D). Mann teaches a sidebar, wherein defined

is a designated space for displaying active live information of current executing

processes on a computer. Mann does not specifically teach a taskbar per se having

media controls rendered thereon but instead a sidebar which is rendered as part of the

taskbar (rendered joined to the taskbar and features taskbar functionality; figures 11b-c)

It would have been obvious to one of ordinary skill in the art at the time of the invention

to use media controls "tickets" in a taskbar from the teachings of use of media controls

in a sidebar, because to one skilled in the art a sidebar is related to a taskbar and Mann

suggest that the sidebar disclosed features same properties and functionality of a

taskbar; par.59-75). Mann does not specifically teach the exact location of the media

controls to be on the taskbar, however in the same field of endeavor Srinivasan does

teach media controls, more than one, being displayed on the taskbar (col.24, lines 15-

22). It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine Srinivasan into Mann, this is true because displaying more than

one control at a time in an adjacent location yields the predictable result with in reason

by someone of ordinary skill in the art would expect to see more than one control

displayed at one time on a taskbar, also Srinivasan and Mann both teach displaying a

media control in a taskbar, changing the location is an obvious variant. Note that on

figure 14 of Srinivasan, the Windows Explorer shell is depicted

(http://en.wikipedia.org/wiki/Windows_Explorer).

As for independent claim 25, Mann teaches a method comprising: presenting a

graphical user interface having multiple controls and integrated into a taskbar user

interface; and enabling, without the graphical user interface being in perspective, a user

to select media-playing services through the multiple controls of the graphical user

interface (note the analysis of claim 14 above). Mann does not specifically teach the

exact location of the media controls to be on the taskbar, however in the same field of

endeavor Srinivasan does teach media controls, more than one, being displayed on the

taskbar (col.24, lines 15-22). It would have been obvious to one of ordinary skill in the

art at the time of the invention to combine Srinivasan into Mann, this is true because

displaying more than one control at a time in an adjacent location yields the predictable

result with in reason by someone of ordinary skill in the art would expect to see more

than one control displayed at one time on a taskbar, also Srinivasan and Mann both

teach displaying a media control in a taskbar, changing the location is an obvious

variant. Note that on figure 14 of Srinivasan, the Windows Explorer shell is depicted

(http://en.wikipedia.org/wiki/Windows_Explorer).

(Note :)   It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 1-29, 31-41, 45-51 and 54-56 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Nicholas Augustine/
Examiner
AU: 2179
April 25, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179